



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/349,479	12/02/1994	WAYNE A. BORDER	PLA1245	6468

23601 7590 02/01/2002  
CAMPBELL & FLORES LLP  
4370 LA JOLLA VILLAGE DRIVE  
7TH FLOOR  
SAN DIEGO, CA 92122

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED: 02/01/2002

78

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

09/349749

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
---------------	-------------	-----------------------	---------------------

EXAMINER

ART UNIT

PAPER NUMBER

1644

78

DATE MAILED:

NOTIFICATION OF NON-COMPLIANCE WITH 37 CFR 1.192(c)

The Appeal Brief filed 10/13/01 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See 1092 O.G. 33, July 12, 1988 and MPEP § 1206.

Applicant is given a TIME LIMIT of ONE MONTH from the date of this letter or any time remaining in the period under 37 CFR 1.192(a) for filing a new complete brief. If a new brief that fully complies with 37 CFR 1.192(c) is not timely submitted, the appeal will be dismissed as of the date of expiration of the period provided by 37 CFR 1.192(a). No extension of this one month time limit may be obtained under either 37 CFR 1.136(a) or (b) but the original two-month period under 37 CFR 1.192(a) for filing the brief may be extended under 37 CFR 1.136(a) up to six months from the date of the Notice of Appeal.

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order. (See explanation in box 8 below, if appropriate.)
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims. 37 CFR 1.192(c)(1). (See explanation in box 8 below, if appropriate.)
3. ☐ The brief does not contain a statement of the status of each amendment filed subsequent to the final rejection. 37 CFR 1.192(c)(2). (See explanation in box 8 below, if appropriate.)
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters. 37 CFR 1.192(c)(3). (See explanation in box 8 below, if appropriate.)
5. ☐ The brief does not contain a concise statement of the issues presented for review. 37 CFR 1.192(c)(4). (See explanation in box 8 below, if appropriate.)
6. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto. 37 CFR 1.192(c)(7). (See explanation in box 8 below, if appropriate.)
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal. 37 CFR 1.192(c)(6). (See explanation in box 8 below, if appropriate.)
8. ☐ Explanation in support of items 1-7 above, if appropriate:

PHILLIP GAMBEL, PH.D.  
PRIMARY EXAMINER

1644  
1/28/02

APPEAL BRIEF ADDRESSES ISSUES THAT RAISE NEW CONSIDERATION  
AND NOT PREVIOUSLY SET FORTH BASED UPON ENTRY  
OF - AMENDMENT, FILED 10/18/01 (PAPER NO. 76)

APPLICANT SHOULD LIMIT TO CLAIMS OF RECORD AND  
ARGUMENTS OF RECORD IN APPEAL BRIEF

IN THE INTERVIEW SUMMARY (10/18/01), APPLICANT INDICATED  
THAT SUPPLEMENTAL AMENDMENT FILED WITH APPEAL BRIEF WAS  
FOR CONVENIENCE AND WOULD NOT RAISE NEW ISSUES.  
THIS DOES NOT APPEAR CONSISTENT WITH APPEAL BRIEF AND  
PROSECUTION OF RECORD